

Good Morning Mr. Chairman and Members of the Subcommittee:

I am pleased to be here with you this morning to provide the comments of the International Association of Chiefs of Police on this important and challenging issue.

The question of what role should state and local law enforcement play in the enforcement of federal immigration laws has long been discussed and debated among members of the law enforcement community. Significantly, in the 112-year history of the IACP, the membership has never adopted a resolution or policy position on this vital question and The reason for this silence is clear. There is a significant difference of opinion in the law enforcement profession on this issue.

Many law enforcement executives believe that state and local law enforcement should not be involved in the enforcement of civil immigration laws since such involvement would likely have a chilling effect on both legal and illegal aliens reporting criminal activity or assisting police in criminal investigations. They believe that this lack of cooperation could diminish the ability of law enforcement agencies to effectively police their communities and protect the public they serve.

Other law enforcement executives believe that it is appropriate for state and local law enforcement to play an active role in immigration enforcement because individuals who are in the country illegally have violated the law and should be treated in the same fashion as other criminals. They feel that it is the duty of state and local law enforcement to assist the federal government and to apprehend and detain these individuals.

Both viewpoints raise valid arguments and it is easy to understand why no consensus has been reached and no policy position has been adopted by the IACP. It is the IACP's strong and fundamental belief that the question of state, tribal or local law enforcement's participation in immigration enforcement is an inherently local decision that must be made by a police chief, working with their elected officials, community leaders and citizens.

However, given the increasing importance of this issues, the IACP Executive Committee, in the fall of 2004 developed and released a position paper that examined the concerns and obstacles that currently hinder enforcement efforts by the state, tribal and local law enforcement community, and to set forth the what we determined should be key elements of any effort immigration enforcement activities by non-federal law enforcement agencies. At this time, I would like to submit a copy of this position paper for the record.

In our policy paper, the IACP identified the following obstacles and concerns over the involvement of state and local officials in immigration enforcement these included Confusion over Immigration Laws; Training Requirements; Limitations on Arrest Without Warrant; Liability Concerns and the Chilling Effects on Immigrant Cooperation with state and local law enforcement officials.

Given these concerns, the IACP believes that at a minimum, any effort seeking to have state and local law enforcement agencies participate in immigration enforcement must, at a minimum contain the following essential elements.

First, Because the question of state, tribal or local law enforcement's participation in immigration enforcement is an inherently local decision, the IACP believes that any legislative proposal to enlist the assistance of non-federal agencies in immigration enforcement must be based on the completely *voluntary cooperation* of state/local law enforcement agencies.

Second, in order to clarify the authority of state, tribal and local law enforcement to act in matters related to immigration enforcement, it is necessary for the federal government to issue a clear and complete statement that outlines the role of state, local and tribal law enforcement agencies in this effort and enumerates the legal authority of state, local and tribal law enforcement officers to act in these matters.

Third, it is imperative that state and local officers receive training on the enforcement of immigration laws. Addressing immigration violations such as illegal entry or remaining in the country without legal sanction require specialized knowledge of the suspect's status and visa history and the complex civil and criminal aspects of the federal immigration law and their administration. This is significant different from identifying someone suspected of the type of criminal behavior that local officers are trained to detect and without adequate training, local patrol officers will not be in the best position to make these complex legal determinations.

Finally, it is important that any immigration enforcement initiative provide a liability shield that provides both Personal liability immunity to state, tribal and local law enforcement officials for enforcing federal immigration laws within the scope of their duties and Immunity for state, tribal or local agencies enforcing immigration laws unless their personnel violated criminal law in such enforcement.

The 287(g) Program

While the IACP has not yet adopted a position, either in support or opposition to the 287 (g) program, I would like to conclude my remarks by noting that the program does appear to satisfy many of the conditions set forth in our position paper. Participation in the program is strictly voluntary; the authority of state and local officers to enforce immigration law is clarified and designated state and local law enforcement officers receive specialized immigration enforcement training.

Law enforcement executives throughout the nation are committed to doing all that can be done to protect our communities from crime and violence.

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